IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16085 of 2005

Between:

1 K.Balaveeraiah, s/o Balaiah,
r/o 1-38-1934, Krishnanagar, Kotla Marisamma, Rasoolpura, Secunderabad-500 023.
2 G.Naresh, s/o late G.Narsimha,
r/o 13-2-258/1/2/1/B, Raheempura, Balajinagar, Puranapool, Hyderabad-500 016.
3 K.Jai Kishan, s/o K.Gangaram,
r/o 3-2-663, Chappel Bazar, Kachiguda, Hyderabad.

... PETITIONERS

AND

1 Bank of India, Hyderabad Zone, PTI Buildings, 2nd Floor, AC Guards, Khairatabad, Hyderabad
rep., by its Zonal Manager.
2 The Chief Manager, Bank of India, M.G.Road, Secunderabad branch, Secunderabad.
3 The Manager, Bank of India, Malakpet Branch, Hyderabad.
4 Manager, Bank of India, Kalchiguda, Hyderabad.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ (i) declaring the action of the respondents in not considering the petitioners in the existing vacancies in terms of Section 25-H of Industrial Disputes Act as illegal and arbitrary; (ii) declare that the petitioners are entitled to be considered in the existing vacancies which are notified vide proceedings No.H-20/2544 dated 19-1-05 and consequently direct the respondent No.1 to consider the candidature of the petitioners in the existing vacancies for the

post of part time Safai Karmachari/sweeper.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondents : MRS.P.BALA RANI

The Court made the following :

ORDER:

1. This writ petition is filed by the petitioners seeking writ of mandamus declaring the action of the respondents in not considering the case of the petitioners in the existing vacancies in terms of Section 25(H) in the Industrial Disputes Act as illegal and arbitrary and consequently direct the respondents to consider the case of the petitioners in the existing vacancies which were notified under proceedings No. H-20/Pers. CNH/2544, dated 19-1-2005.

2. According to the petitioners who are three in number they have been working in the 2nd respondent Bank as a casual labour since 1999. It is stated that the respondent bank proposed to recruit the candidates for the post of part time safai Karamchari/sweeper and accordingly fixed up the interview on 22-7-2005 and called for the sponsored candidate from the employment exchange. According to the petitioners, though they have been working in the respondent Bank, their cases are not being considered and hence, the present writ petition.

3. At the time of hearing it is represented by the learned counsel for the petitioners that even though the petitioners names were not sponsored by the employment exchange the respondent-Bank is obligated to consider the case of the petitioners, when they have made their applications for selection to the posts, for which interview is scheduled to be conducted on 22-7-2005.

4. Heard the learned counsel for the petitioners and learned Standing counsel appearing on behalf of the respondents.

5. The writ petition is disposed of at the stage of admission, directing the respondent Bank to call for the petitioners for interview, if they have made their applications for the posts proposed to be filled up even their names were not sponsored by the employment exchange and consider their case along with the other candidates whose names were sponsored by the employment exchange.

6. Writ Petition is disposed of accordingly. No order as to costs.

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S.Ananda Reddy,J.

22nd July, 2005.

Note:

Wire at Party's costs.

B/o

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Bank of India, Hyderabad Zone, PTI Buildings, 2nd Floor, AC Guards, Khaairatabad, Hyderabad
rep., by its Zonal Manager.
2 The Chief Manager, Bank of India, M.G.Road, Secunderabad branch, Secunderabad.
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22ND JULY, 2005